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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,245	07/14/2003	Bhaskarpillai Gopinath	Gopinath Case 10 - Contin	5830

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01/04/2006

John T Peoples
14 Blue Jay Court
Warren, NJ 07059

EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/619,245	Applicant(s) GOPINATH, BHASKARPILLAI	
	Examiner Kenneth R. Coulter	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al. (U.S. Pat. No. 6,141,653) (System for Interactive, Multivariate Negotiations Over a Network).

2.1 Regarding claim 1, Conklin discloses a method for servicing a dynamically formed group of participants for a temporary social occasion comprising:

provisioning a set of computer network-implemented services available from a service provider (Abstract "system provider's Internet site");

configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion (Abstract

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“enables a sponsor to create and administer a community between participants”; col. 28, lines 37 - 65);

executing the application to interconnect and coordinate the interactions of the participants for the occasion (Abstract); and

capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants (Abstract “The system maintains **internal databases that contain the history of all transactions in each community**, so that sponsors, buyers and sellers may retrieve appropriate records to document each stage of interaction and negotiation.”).

2.2 Per claim 2, Conklin teaches the method as recited in claim 1 wherein the configuring includes presenting an on-line form via a website provided by the service provider and filling in the form by said one of the participants to choose said selected ones of the services and thereby configure the application (Abstract; Fig. 5a; col. 20, lines 5 – 22).

2.3 Regarding claim 3, Conklin discloses the method as recited in claim 1 wherein one of the services is teleconferencing service and the configuring includes establishing a teleconference call among at least two of the participants (col. 18, lines 17 – 37 “**video conferencing and other multimedia techniques** can be added to multivariate negotiations engine system 02.”).

2.4 Per claim 4, Conklin does not explicitly teach the method as recited in claim 1 wherein the method further includes, after the capturing, deactivating the application to await automatic self-activation of the application at a specified later time with reference to the thread-of-activity file

However, such a scenario is inherent in Conklin, in order to minimize the number of active applications on the “multivariate negotiations engine” (Abstract).

2.5 Regarding claim 5, Conklin discloses the method as recited in claim 1 wherein the one of the services is a credit-card charging service and the method further includes charging at least one of the participants for the configuration and execution of the application related to the social occasion (col. 26, lines 43 – 52; col. 28, lines 37 - 65).

2.6 Per claim 6, Conklin teaches the method as recited in claim 1 wherein the one of the services is a credit-card charging service coupled to an on-line store and the method further includes charging by said store for a gift purchased on-line by at least one of the participants for the social occasion (col. 26, lines 43 – 52; col. 28, lines 37 - 65).

2.7 Regarding claim 7, Conklin discloses the method as recited in claim 1 wherein one of the services is purchasing of gifts from an on-line a gift registry established for the social occasion and the method further includes on-line purchasing of a gift by at

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least one of the participants for another one of the participants (Abstract "buyer").

2.8 Per claim 8, Conklin teaches the method as recited in claim 1 wherein the configuring includes configuring the application on-line via a website provided by the service provider and then inviting all of the participants to partake of the social occasion by accessing the website at a time specified by said one of the participants (col. 29, lines 48 - 66).

2.9 Regarding claim 9, Conklin discloses the method as recited in claim 1 wherein the configuring includes capturing all of the interactions between sub-groups of the participants and saving the sub-group interactions in a sub-group thread-of-activity file on the server (Abstract; col. 20 lines 5 – 10 "sellers 08grpa and buyers 08grpb").

2.10 Per claims 10 – 20, the rejection of claims 1 – 9 under 35 USC 102(e) (paragraphs 2.1 – 2.9 above) applies fully.

Response to Arguments

3. Applicant's arguments filed 10/6/05 have been fully considered but they are not persuasive.

Applicant argues that Conklin does not disclose a "social occasion".

Examiner disagrees.

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Chat rooms, bulletin boards, and forums are well known online social mediums.

Conklin clearly states that his invention “enables a sponsor to create and administer a **community** between participants **such as** buyers and sellers having similar interest.”

(Abstract).

A community encompasses a social occasion.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., see paragraph 4.1 below) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4.1 Applicant argues that Conklin discloses a three-tiered hierarchy (a service provider, a sponsor, and a plurality of participants) where the sponsor is distinct from the service provider and the participants. Applicant also argues that the present Application implements a two-tiered hierarchy with a service provider and participants. One of the participants is called the host. The host handles all interactions with the service provider.

Examiner notes that these features are not recited in the claim language.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharía can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER


krc